

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 18 2005

ABRAHAM CATALINO RESENDIZ
CASANOVA; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 03-72951

Agency Nos. A75-720-105
A75-720-106
A75-720-107
A72-720-108
A75-720-109

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 11, 2005^{**}

Before: HALL, T.G. NELSON, and TALLMAN, Circuit Judges.

Abraham Catalino Resendiz Casanova, his wife Maricruz Quintana Bareta,
and their three children, all natives and citizens of Mexico, petition pro se for

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review of the Board of Immigration Appeals' decision affirming an immigration judge's order denying their application for cancellation of removal because they lack a qualifying relative. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo constitutional claims arising out of removal proceedings, *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 599 (9th Cir. 2002), and we deny the petition for review.

Petitioners contend it violates equal protection to require Mexicans to prove exceptional and extremely unusual hardship to a qualifying relative when applicants from other countries are exempt from this requirement under the Nicaraguan and Central American Relief Act ("NACARA"). This contention is foreclosed by this court's decisions in *Jimenez-Angeles*, 291 F.3d at 602-03, and *Ram v. INS*, 243 F.3d 510, 517 (9th Cir. 2001) (the decision to favor aliens from specific war-torn countries under NACARA must be upheld because it stems from a rational diplomatic decision to encourage such aliens to remain in the United States).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.